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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,920	02/20/2002	Steve D. Singleton	127071.0042.000	6483
7590	10/04/2005		EXAMINER	
Mark A. Tidwell JACKSON WALKER L.L.P. Suite 2100 112 E. Pecan San Antonio, TX 78205				PHAM, TOAN NGOC
		ART UNIT		PAPER NUMBER
		2632		
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/079,920	SINGLETON, STEVE D.
	Examiner	Art Unit
	Toan N. Pham	2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on RCE filed on 2/15/05.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/6/04, 12/10/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (US 6,501,379) (of record).

Regarding claims 2, 13, and 16-18: Maloney discloses a system, which comprises the claimed scanner board (32), the claimed key tags (Figs. 1-11, 12, 29) with RFID transponder (11, 24), the security container with internal receptacles (col. 8, lines 28-41; Fig. 3B), a controller (118) programmed to illuminate the LED (98) to visually indicating the location to the user (col. 11, lines 26-45). Maloney fails to specify the claimed asset tags made of material that transmits light and the LED in the container for illuminating the location of the key tag. The visual illumination of the LED (98) is taught by Maloney to indicate to the user of the key tag's location; thus, as long as LED is provided to indicate the location of the key tag, locating the LED in the security container or in the tag would not constitute an inventive step but an obvious design choice. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the LED on the security container instead of in the key tag in Mahoney for performing the same function as desired. Since it would have been obvious to provide the LED on the security container instead, and as long as the

light could be seen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the transparent case in the case (13) instead of the hole (111) in the above combination for easily and ensuring the light being seen.

Regarding claim 3: Maloney discloses the tags are made of plastic or may be formed of a more durable tamper resistant material (col. 6, lines 43-60).

Regarding claim 4: Maloney discloses the Key Track tray (Fig. 3B) which is obviously made to be openable.

Regarding claim 5: Maloney discloses the Key Track tray (Fig. 3B) which is obviously a drawer.

Regarding claim 6: Maloney discloses a system, which comprises the claimed scanner board (32) which constitute the key tray; however, Maloney does not disclose the LEDs being located on the scanner board. The visual illumination of the LED (98) is taught by Maloney to indicate to the user of the key tag's location; thus, as long as LED is provided to indicate the location of the key tag, locating the LED in the security container or in the tag would not constitute an inventive step but an obvious design choice.

Regarding claim 7: Maloney discloses the microcontroller (118) which is obviously a computer.

Regarding claim 8: Maloney discloses the claimed ID tag (24) with unique identification code associated with the tag and the reader in the tray (col. 6, lines 43-60; col. 8, lines 28-64).

Regarding claims 9 and 15: Maloney discloses claimed the reader in the key tray (col. 7, lines 25-40).

Regarding claim 10: The visual illumination of the LED (98) is taught by Maloney to indicate to the user of the key tag's location; thus, as long as LED is provided to indicate the location of the key tag, locating the LED in the security container or in the tag would not constitute an inventive step but an obvious design choice.

Regarding claim 11: Maloney discloses the illumination of the LED to indicate the location of the key tag (col. 11, lines 26-45); thus, whether the LED is steadily illuminated or flashed is merely a matter design choice for indicating the position of the key tag.

Regarding claims 12 and 14: Maloney discloses the light source is an LED (98) (col. 11, lines 36-45).

Response to Arguments

Applicant's Arguments:

-Maloney do not constitute an inventive step but rather derive from an obvious design choice with respect to (1) a plurality of light sources or LED's in a security container or (2) asset tags made of material that transmits light.

Response to Arguments:

-The Examiner agreed that the position of the LED's in a security container and the asset tags made of material that transmits light was not taught by Maloney;

however, as explained above in the rejection of the independent claims, the visual illumination of the LED (98) is taught by Maloney to indicate to the user of the key tag's location. Therefore, one of ordinary skill in the art recognizes that, as long as LED is provided to indicate the location of the key tag, locating the LED in the security container or in the tag would not constitute an inventive step but an obvious design choice. Thus, as long as the user could locate or identified the location of the asset tag, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the transparent case in the tag to emit light for ease of locating the respectable asset tag.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 29, 2005

TOAN N. PHAM
PRIMARY EXAMINER

